

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

MICAEALA GUALDARRAMA, et al.,

Plaintiffs,

v.

MARIA RIVERA ORTIZ, et al.,

Defendants.

CIVIL NO. 97-2481 (SEC)(JA)

DEFENDANTS' PROPOSED VOIR DIRE

TO THE HONORABLE COURT:

COME NOW defendants Victor Marrero and Maria Rivera Ortiz (hereinafter "Defendants"), through the undersigned counsel and very respectfully submit the following proposed voir dire:

1. Please state your full name.
2. Please state your marital status. (Single, Married, Divorced/Separated)
3. Please state your complete residence address, and how long have you lived at this address?
4. What is the highest grade you have completed in school, including any trade or technical school?
5. Have you received any degree from any college or university? If yes, what was the degree, and what was your major?
6. If you have attended college or a university but did not earn a degree, please list the college courses you took.
7. a. Are you presently employed? If yes, what is your present business or occupation?

- b. Have you been engaged in any other type of business or occupation?
 - c. If retired, what was your occupation?
- 8. What is the name and location of your business or employer?
- 9. Please describe the duties of your present occupation. (If retired, your previous occupation.)
- 10. How long have you worked for your current employer? If retired, how long had you worked for your last employer?
- 11. Please list the last five jobs you have held, the names of your past employers and the reasons you left that employment.
- 12. For married jurors: what is your spouse's occupation? What is (or was) the name and address of your spouse's business or employer? What other jobs have your spouse held in the past and where was he/she employed?
- 13. Do you have children? If yes, please state their age.
- 14.
 - a. If you have children, what occupations are your children engaged in and where are they employed?
 - b. What occupations have your children engaged in the past, and where were they employed?
- 15. Do you belong to any organization? If yes, please list the clubs, organizations, civic or social groups to which you belong.
- 16. Have you at any time been employed by the Puerto Rico Police Department and/or any of its related entities? If yes, please answer the following:
 - a. Dates of such employment;
 - b. Location of employment;
 - c. Title;

- d. Responsibilities;
- e. Reason for terminating employment.

17. Have you at any time been employed by any government agency (federal or state), including any municipality or governmental entity? If yes, please answer the following:

- a. Dates of such employment;
- b. Location of employment;
- c. Title;
- d. Responsibilities;
- e. Reason for terminating employment.

18. Do any of your relatives or friend, or co-workers work for, or have any ever worked for the Puerto Rico Police Department and/or any of its related agencies?

If yes, answer the following:

- a. Relation of employee to you.
- b. Dates of such employment.
- c. Title.
- d. Responsibilities.
- e. If no longer employed, reason for terminating employment.

19. Have you or any member of your family or close friends ever had any connection with or dealings with the Puerto Rico Police Department.

20. Are you or is any member of your immediate family or any close friend related to any officer, director or employee of the Puerto Rico Police Department and/or any of its entities? If yes, which one?

21. Have you ever had a positive or negative experience with the Puerto Rico Police Department and/or any of its entities? If yes, please describe.

22. Have you ever been the victim of an intervention by members of the Puerto Rico Police Department, or have you ever felt to be the subject of an illegal intervention by members of the Puerto Rico Police Department? If so, please describe what happened, and when it occurred.

23. Has any member of your family or close friend ever been the victim of an intervention by members of the Puerto Rico Police Department, or have they ever felt to be the subject of an illegal intervention by members of the Puerto Rico Police Department? If so, please describe what happened, and when it occurred.

24. a. Have you or has any member of your family or any close friend, to your knowledge, ever sued anyone or presented a claim against anyone in connection with any action committed by a member of the Puerto Rico Police Department? If yes, please describe.

b. Did the matter or case conclude satisfactorily so far as you are/were concerned? Why?

c. Will this affect your ability to be a fair and impartial juror?

25. Have you or any close relative, ever filed an administrative claim or a court suit against any government entity? If yes, explain.

26. Have you or any close relative, ever been subject to an investigation or claim, including a government entity? If yes, explain.

27. Have you or a relative or a close friend worked in any capacity in law enforcement, police, and lawyer's office or in a court of justice? If yes, explain.

28. Do you have any legal training? If so, explain.

29. Are you related to or acquainted with any of the parties in the instant case?

Plaintiffs

- a. Micaela Gualdarrama
- b. Reina Roldan

Defendants

- a. Victor Marrero
- b. Maria Rivera

If so, explain how you know them.

30. Do you know plaintiff's attorney Osvaldo Perez Marrero? If so, explain how you know him.

31. Do you know attorney Francisco Ojeda-Diez? If so, explain how you know him.

32. Do you know or are related to or acquainted with any of the announced witnesses in the instant case?

Plaintiffs

- a.

Defendants

- a. Sergeant Walberto Garcia
- b. Dr. Diaz Prado
- c. Dr. Pichardo
- d. Agent Jose Victor Maysonet

If so, explain how you know them.

33. Have you heard of, or have you any knowledge of, the facts or events in this case?

If yes, please tell us what have you heard about this case.

34. This is a case brought under 42 U.S.C. Sec. 1983, whereby plaintiffs allege that defendants violated their Fourth Amendment rights because they used excessive force. Is there any reason because of this subject matter that would impede your ability to render a fair and

impartial verdict in such a case?

35. Do you believe that the nature of this case should not be brought into court for determination by a jury?

36. Do you or does any member of your family have any interest, financial or otherwise, in the outcome of this case?

37. Have you ever served as a juror in any other case? If yes, was it a criminal or a civil case?

a. Civil – how many? Please describe.

b. Criminal - how many? Please describe.

38. Did any jury on which you served reach a verdict? If yes, please state to the best of your recollection what was the verdict reached?

39. Have you ever been a party or a witness to a lawsuit? If the answer is yes:

a. What were the circumstances of that case?

b. What was the final outcome?

c. Would you be able to set aside your experience in that case and decide this case solely on the evidence your hear in this court?

40. Do you have any belief or feeling toward any of the parties, attorneys or witnesses that might be regarded as a bias or prejudice for or against any of them?

41. Do you have any involvement or know of any reason why you could not serve as a juror in this case and render a fair and impartial verdict in this case?

42. Will you base your decision **solely** on the evidence presented in this case and on the law as the judge gives it to you?

43. Do you know of any reason why you could not serve as a juror and be fair to all the parties? Is so, explain.

44. Can you honestly believe that you could give the parties a fair trial?
45. Is there any health reason why you would have a hard time serving on the jury in this case?
46. Do you take any medications regularly that might make you sleepy or distracted during the trial?

I HEREBY CERTIFY that on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all attorneys of record to their respective electronic address of record.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 1st day of April, 2007.

ROBERTO J. SANCHEZ RAMOS
Secretary of Justice

VIVIAN GONZALEZ MENDEZ
Deputy Secretary
In Charge of Litigation

S/Francisco A. Ojeda-Diez
FRANCISCO A. OJEDA-DIEZ
U.S.D.C.-PR NO. 211108
General Litigation Office
Department of Justice
P.O. Box 9020192
San Juan, PR. 00902-0192.
Tel. (787) 721-2900, Ext. 2605
Fax: (787) 723-9188
E-mail: fojeda@justicia.gobierno.pr